

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA (DMR)

**JOINT SUBMISSION OF PROPOSED
VOIR DIRE QUESTIONS**

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Pursuant to the Court's Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases, the parties submit the following proposed *voir dire* questions:

Key Questions

1. Do you have any personal knowledge of this case, or have you read or heard it discussed, or have an opinion regarding it?

2. Are you familiar with Oracle Corporation, Oracle America, Google, or Sun Microsystems? Have you or anyone close to you worked for these companies? Have you or anyone close to you had any negative experience with any products or services of these companies? Do you have any strong feelings, positive or negative, about these companies?

3. Do you, or does anyone close to you, have any training, experience or special knowledge in any of the following fields? If so, please tell me about it.

Computer software or hardware development or design.
Mobile computing technology, including smartphones and tablets.
Cellular phones.
Electrical engineering.
Product design and development.
Java programming.
Telephony.
Finance.
Patent and copyright law.

4. Do you consider yourself computer savvy? Do you regularly read technology or computer articles or magazines? Do you use the Internet? If so, how often?

5. Are you familiar with the Android software platform? Do you use an Android phone or tablet? In particular, do you use any of the following Android phones: HTC's EVO 4G, HTC's Droid Incredible, HTC's G2, Motorola's Droid, or Samsung's Captivate? Do you have any strong feelings, positive or negative, about Android or Android devices?

6. Do you have any views about open sourcing software or open source licenses? If so, please describe.

7. Are you familiar with the Java software platform? Do you have any strong feelings, positive or negative, about Java?

1 8. Have you or a family member ever had your copyrighted works copied by another
2 without authorization? Have you or a family member ever been accused of copying any
3 copyrighted works without authorization?

4 9. Have you or a family member ever invented anything? If so, what was it?

5 10. Do you work for a company now or have you ever worked for a company that has
6 patents, copyrights or other forms of intellectual property? How important to that company are
7 (were) its patents and other intellectual property? What role did you have with respect to the
8 company's intellectual property?

9 11. Oracle's CEO is Larry Ellison. Google's CEO is Larry Page. Do any of you have
10 opinions about either Mr. Ellison or Mr. Page that are so strong that you think you could not set
11 them aside and decide this case solely on the evidence and testimony presented at this trial?

12 **Additional Questions**

13 12. What is your occupation? Who do you work for? What do you do at work? How
14 long have you been on this job? What prior jobs have you had?

15 13. Have you recently been laid off by an employer? Which employer? Have you
16 found new employment?

17 14. What is the occupation of your spouse, domestic partner, and/or other adults in
18 your household?

19 15. Please describe your educational background, including the highest level of
20 education received and any subject areas studied (such as a major or minor).

21 16. You have been given a list of companies, law firms, attorneys, and potential
22 witnesses (see below).

23 a. Are you related to or personally acquainted with any of these individual
24 witnesses or attorneys?

25 b. Are you personally acquainted with anyone who works for these
26 companies or law firms?

27 c. Do you or any member of your household now own, or have you or any
28 such member ever owned, any stocks or bonds in any of the companies?

- 1 d. Have you, any family member, or anyone close to you had any dealings
2 with, or relied financially in any way on, any of the companies or law
3 firms?
- 4 e. Have you, any family member, or anyone close to you had any negative
5 experience with any products or services of any of these companies or law
6 firms? Do you have any strong feelings, positive or negative, toward any
7 of these companies or law firms?
- 8 17. Do you have strong feelings about large corporations? Please describe.
- 9 18. Have you or a family member ever been a plaintiff, a defendant, or a witness in a
10 civil lawsuit? What did the case involve? Was it a positive or negative experience for you?
- 11 19. Have you ever served as a juror before?
- 12 a. If so, was it in a civil or a criminal case? Can you tell us what the case was
13 about?
- 14 b. Was that a positive or negative experience for you?
- 15 20. Do you have any strong opinions regarding the size of damages awards in
16 lawsuits?
- 17 21. Do you have any strong feelings, positive or negative, about computer software
18 companies in general or any specific software companies?
- 19 22. Have you or a family member ever written or composed a copyrighted work?
- 20 23. Have you or a family member or friend ever registered a copyright? If so, what
21 was the copyright for? When did you (they) register the copyright?
- 22 24. Have you or someone close to you ever had any dealings with the U.S. Patent and
23 Trademark Office?
- 24 25. Have you or a family member or friend ever applied for a patent? If so, what was
25 the patent for? When did you (they) apply for it?
- 26 26. Have you ever been involved in litigation over patents or copyrights?
- 27 27. Have you ever been involved in selling, buying, or licensing patents or copyrights?
- 28

1 28. Do you have any strong opinions about a patent granting exclusive rights to the
2 inventors or their employers? Do you have any strong opinions about patents that cover software
3 technology?

4 29. Do you consider yourself to be someone who is likely to adopt new technologies
5 or gadgets?

6 30. Do you seek out information about new technologies?

7 31. Do you have any special disability or problem that would make it difficult or
8 impossible for you to serve as a member of the jury on this case?

9 32. Do you know of any other matter which you believe should be called to the court's
10 attention as having some bearing upon your qualifications or ability to sit as a juror, or which you
11 think may prevent you from rendering a fair and impartial verdict based solely upon the evidence
12 and my instructions as to the law?

13 Google separately requests that the Court ask prospective jurors the following additional
14 questions:

15 1. If you use the Internet, are you concerned about whether your privacy is protected
16 when you are using the Internet?

17 2. Have you heard about the America's Cup Race being held in San Francisco? Will
18 you or someone close to you personally benefit from the developments that will occur to host the
19 America's Cup Race?

20 3. Have you ever seen a product that included a new idea which you believed you
21 had thought of first?

22 4. Do you feel that, when the U.S. Patent and Trademark Office grants a patent, it is
23 wrong for a company to question whether or not a patent is valid?

24 5. Have you ever heard of a situation where it was determined that a patent was
25 infringed? What have you heard?

26 6. Do you feel that if one company accuses another company of infringing its patent,
27 the accusation is probably true?

7. Have you ever heard of a situation where it was determined that a patent was not valid? What have you heard?

8. Have you ever worked for a company that used Oracle products or services or paid license fees to Oracle?

9. Have you ever worked for a company that used Oracle America products or services or paid license fees to Oracle America?

10. Have you ever worked for a company that used Sun Microsystems products or services or paid license fees to Sun Microsystems?

11. To what extent do you enjoy debating political or social issues?

List of Companies, Law Firms, Attorneys, and Potential Witnesses

Companies: Android Inc.; Danger Inc.; Apache Foundation; Samsung; Motorola; HTC; LG.

Law Firms: Morrison & Foerster; Boies Schiller & Flexner; Kecker & Van Nest; King & Spalding; Greenberg Traurig.

Attorneys: Michael Jacobs, Marc Peters, Daniel Muino, Ken Kuwayti, Patricia Svilik, Ruchika Agrawal, Yuka Teraguchi, Jason Hall, Ben Petersen, Roman Swoopes, David Boies, Steve Holtzman, Fred Norton, Alanna Rutherford, Beko Richardson, Meredith Dearborn, Rosaline Chan, Robert Van Nest, Christa Anderson, Daniel Purcell, Matthias Kamber, Michael Kwun, Gene Paige, Scott Weingaertner, Bruce Baber, Steve Snyder, Mark Francis, Chris Carnaval.

Potential witnesses: Joshua Bloch, Daniel Bornstein, Patrick Brady, Tim Bray, Martin Buccholz, Iain Cockburn, Larry Ellison, James Gosling, Vineet Gupta, Jeet Kaul, Kathleen Knopoff, Ben Lee, Bob Lee, Tim Lindholm, Andy McFadden, Joshua McGuire, John Mitchell, Dan Morrill, Larry Page, Mark Reinhold, Hasan Rizvi, Andy Rubin, Eric Schmidt, Eric Schulman, Edward Screven, Steven Shugan, Param Singh, Guy Steele, Brian Swetland, Safra Catz, Ben Goldberg, James Kearl, Thomas Kurian, Erez Landau, Scott McNealy, Nachi Periakaruppan, Noel Poore, Alan Purdy, Ken Serwin, Bob Vandette, Marc Visnick, Rafael Camargo, Rich Miner, Jonathan Schwartz, Owen Astrachan, David August, Jack Davidson, David Mazières, Terrence Parr, Dennis Allison, Robert Dewar, John Levine, Leo Cizek, Alan Cox, Alan Eustace, Nedim Fresko.

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1 Dated: October 12, 2011

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1 Dated: October 12, 2011

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ATTESTATION

I, Daniel P. Muino, am the ECF User whose ID and password are being used to file this Joint Submission of Proposed *Voir Dire* Questions. In compliance with General Order 45, X.B., I hereby attest that Matthias Kamber has concurred in this filing.

Date: October 12, 2011

/s/ Daniel P. Muino